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TITLE 820 STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

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## Final Rule

LSA Document #09-865(F)

## DIGEST

Amends [820 IAC 8-2-12](#) concerning the use of instructors. Amends [820 IAC 8-3-6](#) concerning the barber examination. Amends [820 IAC 8-4-1](#) concerning barbering instructors. Adds [820 IAC 8-5](#) to establish fees for application, issuance, or renewal of barber licenses, barber school licenses, barber instructor licenses, or barber shop licenses; to establish fees for examinations for licensure to practice as a barber instructor or barber; and to establish fees for temporary work permits. Repeals [820 IAC 8-3-1](#) and [820 IAC 8-3-4](#). Effective 30 days after filing with the Publisher.

[820 IAC 8-2-12](#); [820 IAC 8-3-1](#); [820 IAC 8-3-4](#); [820 IAC 8-3-6](#); [820 IAC 8-4-1](#); [820 IAC 8-5](#)

SECTION 1. [820 IAC 8-2-12](#) IS AMENDED TO READ AS FOLLOWS:

**[820 IAC 8-2-12](#) Use of instructors**

**Authority:** [IC 25-8-3-22](#); [IC 25-8-3-24](#)

**Affected:** [IC 25-8-13](#); [IC 25-8-14](#)

Sec. 12. (a) In order for a barber school licensee to operate a barber school, ~~there must be a registered~~ **licensed** barbering instructor **must be** physically present at all times where and while:

- (1) classroom instruction is being given; and ~~where and while~~
- (2) students are engaged in the practice of barbering.

However, where ~~there are~~ audio-visual aids or tapes **are** being used in the adjoining rooms, the presence of one (1) **registered licensed** barber instructor in the clinic room is sufficient.

~~(b) Notwithstanding subsection (a), a registered barbering instructor may be absent from the classroom because of personal illness or the death of a close relative, or to further the barbering instructor's education related to barber instructor, if:~~

- ~~(1) the absence does not exceed three (3) days;~~
- ~~(2) a registered Indiana barber with at least five (5) years experience or a student instructor who is enrolled in a school of barbering licensed by the board takes the place of the absent registered barbering instructor; and~~
- ~~(3) the board is notified, by telephone immediately and in writing within seventy-two (72) hours, of the absence of the barbering instructor and of the reason for, and duration of, the absence.~~

~~(c)~~ **(b)** Every instructor in ~~an accredited~~ **a licensed** school shall:

- (1)** devote his **or** her entire time during school or class hours to that of instructing the students; and ~~shall~~
- (2)** not apply time to **the** private practice of barbering for compensation.

*(State Board of Cosmetology and Barber Examiners; Rule 24; filed Feb 6, 1981, 4:10 p.m.: 4 IR 374; filed Feb 20, 1986, 3:00 p.m.: 9 IR 1660; filed Nov 28, 1988, 5:30 p.m.: 12 IR 922; readopted filed Jun 22, 2001, 8:59 a.m.: 24 IR 3823; readopted filed Oct 4, 2007, 3:36 p.m.: [20071031-IR-816070045RFA](#); filed Oct 1, 2010, 3:53 p.m.: [20101027-IR-820090865FRA](#)) NOTE: Transferred from the Board of Barber Examiners ([816 IAC 1-2-11](#)) to the State Board of Cosmetology and Barber Examiners ([820 IAC 8-2-12](#)) by P.L.84-2010, SECTION 103, effective July 1, 2010.*

SECTION 2. [820 IAC 8-3-6](#) IS AMENDED TO READ AS FOLLOWS:

**[820 IAC 8-3-6](#) Barber and barber instructor examination; application; filing deadline**

**Authority:** [IC 25-8-3-22](#); [IC 25-8-3-24](#)

**Affected:** [IC 25-8](#)

Sec. 6. A completed application and the applicable fee **fees** for the **licensure by** examination to practice as a

registered **licensed** barber **or barber instructor** shall be filed with the board ~~no~~ **not** later than two (2) weeks prior to **before** the **next** scheduled **written** examination date.

(State Board of Cosmetology and Barber Examiners; [820 IAC 8-3-6](#); filed Jan 20, 1993, 4:00 p.m.: 16 IR 1512; readopted filed Jun 22, 2001, 8:59 a.m.: 24 IR 3823; readopted filed Oct 4, 2007, 3:36 p.m.: [20071031-IR-816070045RFA](#); filed Oct 1, 2010, 3:53 p.m.: [20101027-IR-820090865FRA](#)) NOTE: Transferred from the Board of Barber Examiners ([816 IAC 1-3-6](#)) to the State Board of Cosmetology and Barber Examiners ([820 IAC 8-3-6](#)) by P.L.84-2010, SECTION 103, effective July 1, 2010.

SECTION 3. [820 IAC 8-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**[820 IAC 8-4-1](#) Barbering instructors; education, training; experience requirements**

Authority: [IC 25-8-3-22](#); [IC 25-8-3-24](#)

Affected: [IC 25-8-6.4](#)

Sec. 1. ~~(a)~~ To qualify for registration **licensure** as a barbering instructor, an individual must:

- (1) be an Indiana registered **licensed** barber;
- (2) be a graduate of an accredited high school or have received a high school equivalency certificate (GED); and
- (3) have completed at least nine hundred (900) hours in instructor training from a school of barbering.

~~(b) Until July 1, 2001, candidates to become barber instructors may count five (5) years of full-time practice as an Indiana barber as the equivalent of nine hundred (900) hours of instructor training from a school of barbering.~~

(State Board of Cosmetology and Barber Examiners; [820 IAC 8-4-1](#); filed Nov 28, 1988, 5:30 p.m.: 12 IR 922; filed Sep 18, 1998, 11:46 a.m.: 22 IR 454; readopted filed Jun 22, 2001, 8:59 a.m.: 24 IR 3823; readopted filed Oct 4, 2007, 3:36 p.m.: [20071031-IR-816070045RFA](#); filed Oct 1, 2010, 3:53 p.m.: [20101027-IR-820090865FRA](#)) NOTE: Transferred from the Board of Barber Examiners ([816 IAC 1-4-1](#)) to the State Board of Cosmetology and Barber Examiners ([820 IAC 8-4-1](#)) by P.L.84-2010, SECTION 103, effective July 1, 2010.

SECTION 4. [820 IAC 8-5](#) IS ADDED TO READ AS FOLLOWS:

**Rule 5. Fees**

**[820 IAC 8-5-1](#) Application/issuance fees**

Authority: [IC 25-1-8-2](#); [IC 25-8-13](#)

Affected: [IC 25-8](#)

Sec. 1. The board shall charge and collect the following application/issuance fees:

- (1) Barber license: \$40
- (2) Barber instructor license: \$40
- (3) Barber shop license: \$40
- (4) Barber school license: \$300

(State Board of Cosmetology and Barber Examiners; [820 IAC 8-5-1](#); filed Oct 1, 2010, 3:53 p.m.: [20101027-IR-820090865FRA](#))

**[820 IAC 8-5-2](#) Examination fees**

Authority: [IC 25-1-8-2](#); [IC 25-8-13](#)

Affected: [IC 25-1-8-5](#); [IC 25-8](#)

Sec. 2. (a) If the board administers the examination, the examination or repeat examination fee is fifty dollars (\$50).

(b) If the board elects to use a professional examination service under [IC 25-1-8-5](#), an applicant for licensure by examination shall pay the examination or repeat examination fee assessed by the professional examination service that administers the examination directly to the professional examination service.

(State Board of Cosmetology and Barber Examiners; [820 IAC 8-5-2](#); filed Oct 1, 2010, 3:53 p.m.: [20101027-IR-820090865FRA](#))

#### [820 IAC 8-5-3](#) Temporary work permit fee

Authority: [IC 25-1-8-2](#); [IC 25-8-13](#)

Affected: [IC 25-8](#)

#### **Sec. 3. The board shall charge and collect a ten dollar (\$10) fee for a temporary work permit.**

(State Board of Cosmetology and Barber Examiners; [820 IAC 8-5-3](#); filed Oct 1, 2010, 3:53 p.m.: [20101027-IR-820090865FRA](#))

#### [820 IAC 8-5-4](#) Renewal fees

Authority: [IC 25-1-8-2](#); [IC 25-8-13](#)

Affected: [IC 25-8](#)

#### **Sec. 4. The board shall charge and collect the following renewal fees:**

- (1) Barber license: \$40
- (2) Barber instructor license: \$40
- (3) Barber school license: \$300
- (4) Barber shop license: \$40

(State Board of Cosmetology and Barber Examiners; [820 IAC 8-5-4](#); filed Oct 1, 2010, 3:53 p.m.: [20101027-IR-820090865FRA](#))

#### **SECTION 5. THE FOLLOWING ARE REPEALED: [820 IAC 8-3-1](#); [820 IAC 8-3-4](#).**

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Notice of Intent: [20091104-IR-816090865NIA](#)

Proposed Rule: [20091223-IR-816090865PRA](#)

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